

# EXHIBIT G

TIME STAMP

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

DAVID J. MATTILA, as Personal Representative of the  
Estate of MILDA E. MATTILA, Deceased,

Plaintiff,

v.

CENTERS FOR MEDICARE & MEDICAID  
SERVICES, SELECT SPECIALTY HOSPITAL – ANN  
ARBOR, and BLUE CROSS BLUE SHIELD OF  
MICHIGAN,

Defendants.

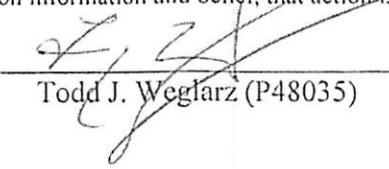
Case No. 18-*29987 C2*  
Hon.

JUDGE HATTY  
P-30990

TRUE COPY  
44th Circuit Court  
County Clerk's Office

COMPLAINT

This action relates to and/or arises out of the previously filed case of *Adair v Michigan Pain Specialists*, Case No. 14-28156-NO, which was assigned to the Honorable Michael P. Hatty. Upon information and belief, that action is now closed.

  
Todd J. Weglarz (P48035)

NOW COMES Plaintiff, DAVID J. MATTILA, as Personal Representative of the Estate of MILDA J. MATTILA, Deceased, by and through his attorneys, Fieger & Fieger PC, and for his Declaratory Action against the above named Defendants, states as follows:

1. Plaintiff DAVID J. MATTILA is a resident of Roscommon County, Michigan.

2. Plaintiff DAVID J. MATTILA is the lawful appointed Personal Representative of MILDA E. MATTILA, Deceased, per order of the Oakland County Probate Court.

3. Defendant CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS) is a federal agency within the United States Department of Health and Human Services which administers the Medicare Program, and has its headquarters in Baltimore County Maryland, and conducts business throughout the country, including in Livingston County, Michigan.

4. Defendant SELECT SPECIALTY HOSPITAL – ANN ARBOR (“SSH”) is a foreign corporation which conducts its business activities out of and throughout Ann Arbor, Washtenaw County, Michigan.

5. Defendant BLUE CROSS BLUE SHIELD OF MICHIGAN (“BCBS”) is a Michigan Insurance Company, with its headquarters in Detroit, Wayne County, Michigan.

6. Defendants CMS, SSH and BCBS conduct business in Livingston County, Michigan.

7. Venue and jurisdiction are properly vested in this Court by virtue of the above allegations, and further by virtue of Plaintiff’s, CMS’s and BCBS’s participation in the MPS litigation which was previously filed before this court, in the matter of *Adair v MPS, et al*, Case No. 14-28156-NO.

8. Plaintiff’s Decedent was a victim of the fungus-tainted steroid solution with which she was injected in August of 2012 while a patient at the Michigan Pan Specialist Clinic located in Genoa Township, Livingston County, Michigan.

9. Plaintiff’s Decedent is a claimant in both the federal and state actions arising out of the tainted steroid injections – the federal cases against the NECC, and the state action of *Adair v MPS*, Case No. 14-28156-NO filed in this court.

10. Plaintiff's Decedent is expected to receive a total gross settlement of \$300,186.91 from the above fungal steroid cases.

11. Defendant CMS has asserted a lien on Plaintiff's anticipated settlement proceeds, in an amount for \$367,828.72 in conditional payments.

12. Defendant SSH has asserted a lien on Plaintiff's anticipated settlement proceeds in an amount in excess of \$500,000.00.

13. Defendant BCBS has asserted a lien on Plaintiff's anticipated settlement proceeds in an amount of \$51,175.92.

14. The liens asserted against Plaintiff's anticipated settlement proceeds are grossly in excess of Plaintiff's anticipated gross recovery.

15. Plaintiff requests, for the reasons set forth above and below, that the court issue a ruling declaring that the liens shall be resolved for a fair and reasonable amount.

**COUNT I**

**DECLARATORY ACTION AGAINST ALL DEFENDANTS**

16. Plaintiff hereby reincorporates each and every allegation contained in Paragraphs 1 through 15 as if fully set forth herein.

17. Regarding Defendant SSH's lien, Plaintiff respectfully requests that the Court declare that SSH has no lien on Plaintiff's settlement proceeds for reason that SSH has already been reimbursed by CMS for any alleged services and expenses incurred and paid for by SSH, which arise out of and relate to Plaintiff's Decedent's August 2012 tainted steroid injections.

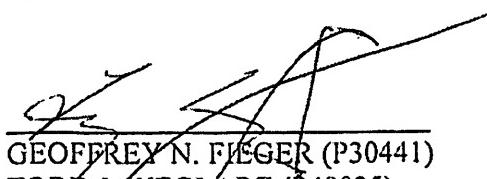
18. Regarding Defendant CMS's and BCBS's liens, Plaintiff respectfully requests that the Court declare that each respective Defendant's lien shall be resolved for 10.75% of the gross settlement proceeds, the exact amount each such Defendant would have received under the

lien reduction formula agreed to by each Defendant and other insurers during their negotiations on the settlements involving the *Adair v MPS* matter and the federal NECC matters.

WHEREFORE, Plaintiff respectfully requests the Honorable Court to enter Declaratory relief consistent with the above.

Respectfully submitted,

FIEGER, FIEGER, KENNEY & HARRINGTON, P.C.

  
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Dated: August 10, 2018